

Common Questions and Answers
Reporting Requirements for
Pesticide, Active Ingredient, and Device Producers
(EPA Form 3540-16)
December 2002

1. What must I report?

Each producer operating an establishment must submit the following information for each **pesticide, active ingredient, or pesticide device** [including, but not limited to, unregistered pesticides, Experimental Use Permits, Special Local Need products under § 24(c) of FIFRA, or pesticides produced for export only]:

/ types and amounts *produced* in 2002;

/ types and amounts *sold/distributed* in 2002, regardless when the product was produced; and

/ an *estimate* of the amount expected to be produced in 2003.

For each of the above amounts, **round all numbers to the nearest whole number.**

2. What does the term "produce" include?

"Produce" means to manufacture, prepare, compound, propagate, or process any pesticide or device or active ingredient used in producing a pesticide. (FIFRA)

"Produce" means also to "manufacture, prepare, propagate, compound or process any pesticide, including any pesticide product pursuant to Section 5 of the Act, any active ingredient or device, or to package, repackaging, label, relabel, or otherwise change the container of any pesticide or device." (40 CFR 167.3)

(NOTE: This includes repackaging of pesticides in bulk containers.)

3. How is the information I provide used by the EPA?

The information is used by EPA's Office of Enforcement and Compliance Assurance and the Office of Prevention, Pesticides, and Toxic Substances to support risk-benefit analysis, inspection, compliance, and enforcement activities.

4. How do I make corrections to the name(s) or addresses shown?

All companies or producers must provide name and address changes to the EPA within 30 days after such change occurs. **Domestic (United States) companies** or producers should send such information to the EPA regional office where the company headquarters is located. **Foreign companies** or producers should send such information to the EPA Washington, D.C. office. *See page 4 of Instructions for Completing EPA Form 3540-16 (hereinafter "Instructions") for all EPA mail and telephone contacts.*

5. Where can I get assistance in completing this report?

Domestic producers should contact the EPA regional office which services their company headquarters.

Foreign producers should contact EPA's Washington, D.C. office. (See Instructions - Page 4)

6. What constitutes "bulk repackaging" of pesticides?

"Bulk repackaging" means the repackaging of pesticides into refillable containers which are designed and constructed to accommodate the return and refill of greater than 55 gallons or 100 pounds of product, in accordance with EPA's July 11, 1977, Bulk Enforcement Policy, and the Amendment dated March 4, 1991.

7. What constitutes "custom blends" of pesticides? What is a "custom blender?"

A custom blender is any establishment which provides the service of mixing registered pesticides to a customer's specifications, specifically, a pesticide-pesticide, pesticide-fertilizer, or pesticide-animal feed mixture. The blend must not be held in inventory, the pesticides used in the blend must bear end-use labeling which does not prohibit the use of the pesticide in the blend, and the blend is delivered to the end-user with the labeling of the pesticide(s) used in the blend and a statement specifying the composition of the mixture. An establishment where **only** custom blending activities take place does not have to report production. An establishment that custom blends in addition to other pesticide production activities, must report only the other pesticide production activities, not the custom blending activities.

8. What if I fail to file this production report?

Failure to file an initial and annual production report is a violation of FIFRA, and may result in termination of the establishment's registration, civil penalties up to \$5,500 per violation, and/or criminal penalties. In addition, it is unlawful to knowingly falsify all or part of any pesticide production information reported on EPA Form 3540-16. (Section 12(a)(2)(M) of FIFRA).

United States Environmental Protection Agency
Instructions for Completing EPA Form 3540-16
Pesticide Report for Pesticide-Producing and
Device-Producing Establishments - Reporting Year 2002

Electronic copies of these instructions and EPA Form 3540-16 can be downloaded from
<http://www.epa.gov/region4/air/pesticides/pestreport.htm>

GENERAL INSTRUCTIONS

1. Each page of EPA Form 3540-16 has space to enter production for only three products. If you produce more than three products **make photocopies of the form as necessary**.
2. Complete report by printing in ink or typing.
3. **"Produce"** means to manufacture, prepare, compound, propagate, or process any pesticide or device or active ingredient used in producing a pesticide. (Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)).
"Produce" also means to "manufacture, prepare, propagate, compound or process any pesticide, including any pesticide product pursuant to Section 5 of the Act, any active ingredient or device, or to package, repack, label, relabel, or otherwise change the container of any pesticide or device." (EPA regulations at 40 CFR § 167.3)
4. **Establishments with Zero Production in 2002.**
If your establishment did not produce or distribute products subject to this report in 2002 and do not anticipate production or distribution in 2003, but *you wish to retain establishment registration*: complete Blocks 1-15, write "NO PRODUCTION" in Block 16. **The report is complete**. Submit the report as directed on Page 4.
5. **Closed Establishments (Out of business/ceased production)**
/ Enter all production and distribution information for 2002. If there was none, write "NO PRODUCTION" in Block 16.
/ Indicate on the form the firm is no longer in business.
/ If you wish to inactivate establishment registration, clearly make such request on the report form.
6. A company **official must sign** the report in Block 15.
7. For all pages, **complete, at the bottom: "This is Page ____ of ____."**
8. **Producers of Multi-use Active Ingredients.** Producers of chemicals that are multi-use active ingredients, that is, they have both pesticidal and non-pesticidal uses, are required to register their establishments and report their production on an annual basis, if the producer has actual or constructive knowledge that the chemical or substance they produce is used or intended for use as an active ingredient in the manufacture of a pesticide. These producers are required to report only the amount of the chemical or substance manufactured and distributed or sold for pesticidal purposes.
9. **DO NOT REPORT:**
/ Production or distribution or sale of products NOT produced by your establishment, e.g., no changes are made to the product formulation, container, or label;
/ Products shipped from your supplier directly to your customer;
/ Any products produced in previous years which were not distributed or sold in 2002.
/ Custom-blended products (See Common Questions and Answers - Question 7)
/ Pesticides that are **applied by your firm**.
10. **Submit completed reports** as directed on Page 4.
11. **Initial Reports:** Section 7 of FIFRA requires all registered establishments to submit a report to the US EPA **30 days** after receipt of notification of establishment registration. Failure to file the Initial report is an unlawful act and may result in termination of the establishment's registration.

REPORT DUE DATE: On or before March 1, 2003, even if there has been no production.
Incomplete reports may be returned to the establishment for correction or completion.

INSTRUCTIONS - COMPLETING THE REPORT

Blocks 1-16. Name and Location of Company Headquarters and Producing Establishment

Blocks 1-4. Enter the mailing address of the producing establishment, unless it is a foreign establishment.

Foreign establishments should enter the US mailing address of the company or US agent.

Block 5. Enter name of establishment official signing report (should match Block 15)

Block 6. Enter title of establishment official signing report (should match Block 15)

Block 7. Date report is signed

Blocks 8-13. A label showing the establishment SITE address should appear in Blocks 8-13.

Block 14. Telephone number of establishment official responsible for the report.

Block 15. Signature of establishment official signing report.

Block 16. Use this block to report NO PRODUCTION, if this is the case, for 2002. **If there was No Production, the report is complete.** Do not list products which you did not produce.

Block 17 - Product Code

Enter "1" - product is registered with EPA

Enter "2" - product registration is pending

Enter "3" - product is an Experimental Use Permit

Enter "4" - product is a pesticide device, an unregistered pesticide, or a Special Local Need (SLN) registration

Block 18 - EPA Product Registration No.

For Product Code 1 - Enter EPA Registration No. (exactly as it appears on product label)

(See discussion below on reporting production of distributor registrations and products under alternate brand names)

For Product Code 2 - Enter EPA File Symbol assigned

For Product Code 3 - Enter the Experimental Use Permit number

For Product Code 4 - For **DEVICES**, leave Block 18 blank

For **UNREGISTERED PESTICIDES**, leave Block 18 blank, and attach the chemical formulation of the product, showing the product's active and inert ingredients, their common names, their CAS Registry numbers (if available), and the percentage, by weight of each ingredient (must total 100%). Multiple formulations may appear on the same page; clearly identify each by product name.

For stand-alone **SLN REGISTRATIONS**, enter the SLN registration number *preceding* the product name in Block 19. For example, SLN-CA-890022. A "stand-alone" SLN is one for which there are no uses other than the 24(c) uses.

NOTE: Reporting Distributor Registrations/Alternate Brand Names. If you produce multiple pesticide products under the same basic EPA registration number (such as distributor products or alternate brand names):

/ Report the total quantities for all **distributor products** under the basic EPA registration number, and add "and supplementals" following the product name. On a separate paper, list the basic registration number with each distributor company number and brand name, and attach it to the report.

/ List the basic registration number of products distributed under **alternate brand names**, provide product name "and alternate brand names" and report total production.

Block 19 - Product Name. List only the most common brand name

Block 20 - Product Classification

05 Algacide

02 Fungicide

06 Nematocide

11 Animal Repellent

04 Herbicide

07 Plant Regulator

10 Antifouling Paint

44 Herbicide/Fungicide

03 Rodenticide

08 Defoliant, Desiccant

01 Insecticide

14 Water Purifier - Point of Use

13 Device

21 Insecticide-Fungicide

15 Water Purifier - Small System

09 Disinfectant

16 Multi-Use **Active Ingredient**

12 Other Pesticides (includes insect

(See General Instruction #8)

repellents and slug baits)

Block 21 - Product Type. Describe the type of product:

Enter 1 - Technical material or active ingredient for Manufacturing Use Only

Enter 2 - End-use product; this includes products where the formulation has been blended, diluted, or changed;

Enter 3 - Repackaged or relabeled (does not include any blending, dilution or change in the formulation)

Enter 4 - Device

<p>Block 22 - Market Sold/Distributed To</p> <p><i>Domestic Establishments</i></p> <p>Enter 1 - All product was marketed in the United States</p> <p>Enter 2 - Product was marketed both <i>in</i> the United States and <i>exported</i></p> <p>Enter 3 - All product was exported</p> <p><i>Foreign Establishments</i></p> <p>Enter 1 - Product was marketed in the United States. <i>DO NOT REPORT products that were sold to countries other than the United States.</i></p>
<p>Block 23 - Use Classification</p> <p>Enter 1 - Product label states RESTRICTED USE ONLY</p> <p>Enter 2 - All other pesticides and devices</p>
<p>Block 24 - Unit of Measure</p> <p>G = Gallons (liquid chemical product)</p> <p>P = Pounds (dry or solid chemical product)</p> <p>L = Liters (liquid chemical product)</p> <p>K = Kilograms (dry or solid chemical product)</p> <p>T = Tons (short ton = 2,000 lbs. or 907.2 kilograms) (dry or solid chemical product)</p> <p>U = Units (devices and pesticides that the label does not declare as gallons, pounds, liters, kilograms, or tons)</p>
<p>Block 25 - Amount Produced Last Year (2002)</p> <p>/ Round all quantities <u>to the nearest whole number</u></p>
<p>Block 26 - Amount Distributed/Sold Last Year (2002) - United States</p> <p>/ Enter only those products distributed/sold which were <u>produced</u> by your establishment, regardless when the product was produced;</p> <p>/ Do not include amounts which are custom blended or custom applied by you;</p> <p>/ Foreign producers should enter only the amount of product or number of devices exported to the United States.</p> <p>/ Round all quantities <u>to the nearest whole number</u>.</p>
<p>Block 27 - Amount Distributed/Sold Last Year (2002) to Foreign Markets (Exported)</p> <p>/ Enter the quantity exported from the United States in 2002, regardless when the product was produced;</p> <p>/ <i>Foreign establishments should leave Block 27 blank;</i></p> <p>/ Round all quantities <u>to the nearest whole number</u>.</p>
<p>Block 28 - Amount (Estimated) to be Produced in 2003</p> <p>/ Enter an estimate of the quantity to be produced in 2003.</p> <p>/ Round all quantities <u>to the nearest whole number</u>.</p>

Confidentiality. Under FIFRA Section 7(d) [7 U.S.C. § 136e], information reported in Items 25, 26, 27, and 28 of EPA Form 3540-16 will be treated as business confidential, subject to the provisions of FIFRA Section 10 [7 U.S.C. § 136h]. You are not required to assert a claim of confidentiality on this information.

If you wish to assert a claim of confidentiality for other information you have provided on this form, you must identify by the box number(s) information for which you are asserting a claim of confidentiality. Information so designated will be disclosed by the EPA only to the extent allowed by, and by means of, the procedures set forth in 40 CFR Part 2. If you do not claim the information as confidential upon submission of the report, it may be made available to the public without further notice to you.

Public Reporting Burden. The time required to complete this report is estimated to average one hour and 26 minutes, per response, including reviewing instructions, searching data sources, gathering and maintaining data needed, and completing review and collection of information. Send comments regarding this burden estimate or other aspects related to this information collection, including suggestions for reducing this burden, to: Director, OP/ORMI Regulatory Information Division (2137), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, D.C. 20460, Attention: Desk Officer for EPA, and to the Paperwork Reduction Project, Office of Information and Regulatory Management Affairs, Office of Management and Budget, 725 17th Street NW, Washington, D.C. 20503.

WHERE TO SUBMIT REPORTS

DOMESTIC PRODUCERS: Submit reports to the following EPA Regional Office *in which your company headquarters is located*

EPA Regional Offices	States/Terr. Covered	EPA Regional Offices	States/Terr. Covered
U.S. EPA Region 1 Lee Weller PO Box 8636 Boston, MA 02114 Telephone 617-918-1849	CT, MA ME, NH RI, VT	U. S. EPA Region 6 Gene Thilsted Pesticides Section (6PD-P) 1445 Ross Avenue Dallas, TX 75202-2733 Telephone 214-665-2782	AR, LA NM, OK TX
U.S. EPA Region 2 David Salkie Pesticides Team (MS-500), Building 5 2890 Woodbridge Avenue Edison, NJ 08837-3679 Telephone 732-321-6750	NJ, NY PR, VI	U. S. EPA Region 7 Lou Banks Pesticides Branch (WWPD/PEST) 901 N. 5 th Street Kansas City, KS 66101-2798 Telephone 913-551-7125	IA, KS MO, NB
U.S. EPA Region 3 Kyla Townsend-McIntyre Pesticides Programs (3WC32) 1650 Arch Street Philadelphia, PA 19103-2029 Telephone 215-814-2045	DE, DC MD, PA VA, WV	U. S. EPA Region 8 Cornelia Maes Enforcement Division (ENF-PT) 999 18th Street, Suite 300 Denver, CO 80202-2466 Telephone 303-312-6049	CO, MT ND, SD UT, WY
U.S. EPA Region 4 Jacquelyn Wilkerson AFC Pesticides Section (APTMD) 61 Forsyth Street, SW Atlanta, GA 30303-8960 Telephone 404-562-9011	AL, FL GA, KY MS, NC SC, TN	U. S. EPA Region 9 Glenda Dugan Pesticides Office (CMD-5) 75 Hawthorne Street San Francisco, CA 94105-3901 Telephone 415-947-4204	AZ, CA, HI, NV
U.S. EPA Region 5 Gail Muffitt PTES (DT-8J) 77 W. Jackson Blvd. Chicago, IL 60604-3507 Telephone 312-886-6008 or 312-886-7061	IL, IN MI, MN OH, WI	U. S. EPA Region 10 Theresa Pimentel Pesticides Unit (ECO-084) 1200 Sixth Avenue Seattle, WA 98101-1128 Telephone 206-553-0257	AK, ID OR, WA

FOREIGN PRODUCERS: Submit report to the following EPA Washington, D.C. address:

<u>US Postal Service Mail Address</u> Carol L. Buckingham US Environmental Protection Agency Agriculture Division (2225A) 1200 Pennsylvania Ave., NW Washington, DC 20460-0001 USA Telephone: 202-564-5008	<u>Courier Delivery Address</u> Carol L. Buckingham (Room 6102) US Environmental Protection Agency Agriculture Division 1200 Pennsylvania Ave., NW Washington, DC 20004 USA E-mail: buckingham.carol@epa.gov
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NOTE: The Agency does not notify you when your Report is received. To ensure the Agency receives the report, you may wish to send it by certified or registered mail, return receipt requested.